

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN MOSZ,

Defendant.

Case No. 2:22-CR-00103-ART-NJK

ORDER ON DEFENDANT'S
EMERGENCY MOTION
(ECF No. 97)

Defendant Jonathan Mosz has filed a *pro se* emergency motion with the Court (ECF No. 97). Mr. Mosz's motion discusses allegations of inadequate medical care while in federal prison. As stated in the Court's prior order (ECF No. 96), this type of claim cannot be litigated in this criminal proceeding. Rather, a claim regarding a violation of a federal inmate's constitutional rights, such as a claim for inadequate medical care, may be brought in a civil case under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). *See Ziglar v. Abbasi*, 582 U.S. 120 (2017) (*Bivens* provides federal prisoners a remedy under Eighth Amendment for inadequate medical care).

The Court will direct the Clerk to attach to this order a copy of the inmate civil rights complaint form for the District of Arizona, as well as a copy of the application to proceed *in forma pauperis*. Because Mr. Mosz appears to be incarcerated at a Bureau of Prisons facility in Arizona, the District of Arizona is where he must file any *Bivens* action related to conditions of his confinement. If Mr. Mosz wishes to file a civil lawsuit regarding his complaints of inadequate medical care, he should do so by completing the attached form, and sending that as well the filing fee or an application to proceed *in forma pauperis* to the appropriate address listed on the complaint form. As the form indicates, there is a place to describe factually what Mr. Mosz complains of.

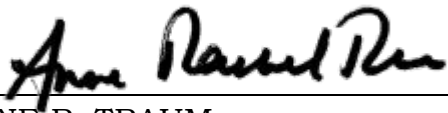
1 Because Mr. Mosz is represented by counsel, his *pro se* motion is a fugitive
2 document. The Court will therefore direct the Clerk to strike the letter from this
3 action.

4 No motions related to inadequate medical care may be filed in this now
5 closed action.

6 It is therefore ordered that the Clerk of Court kindly STRIKE the motion
7 filed at ECF No. 97.

8 It is further ordered that the Clerk file and send, along with this order, the
9 attached copy of the inmate civil rights complaint form and *in forma pauperis*
10 application for the District of Arizona.

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12 Dated this 15th day of July 2025.

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16 ANNE R. TRAUM
17 UNITED STATES DISTRICT JUDGE
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